

House File 2023 - Introduced

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BY KAUFMANN

A BILL FOR

1 An Act increasing penalties for criminal offenses involving
2 certain types of animals.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.3, subsection 3, Code 2014, is
2 amended to read as follows:

3 3. A person who negligently or intentionally commits
4 the offense of animal neglect is guilty of a ~~simple~~ serious
5 misdemeanor. A person who intentionally commits the offense of
6 animal neglect which results in serious injury to or the death
7 of an animal is guilty of a ~~serious~~ an aggravated misdemeanor.

8 Sec. 2. Section 717B.3A, subsection 3, paragraph a, Code
9 2014, is amended by striking the paragraph and inserting in
10 lieu thereof the following:

11 a. A person who commits animal torture is guilty of a class
12 "D" felony. The sentencing order shall provide that the person
13 submit to psychological evaluation and treatment according to
14 terms required by the court. The costs of the psychological
15 evaluation and treatment shall be paid by the person.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 INCREASE IN CRIMINAL PENALTIES FOR OFFENSES INVOLVING
20 CERTAIN ANIMALS. This bill amends provisions in Code chapter
21 717B to increase the criminal penalties for two related classes
22 of offenses involving injuring or killing an animal. "Animal"
23 is defined in Code section 717B.1 to mean a nonhuman vertebrate
24 other than livestock which is governed under Code chapter 717;
25 any game, fur-bearing animal, fish, reptile, or amphibian not
26 owned, confined, or controlled by a person; or any nongame
27 species declared to be a nuisance.

28 ANIMAL NEGLECT. The bill increases the criminal penalty
29 for the offense classified as animal neglect. The general
30 penalty, which applies regardless of whether an act is
31 committed negligently or intentionally, is increased from a
32 simple misdemeanor to a serious misdemeanor. An enhanced
33 penalty, which applies when an animal is seriously injured or
34 dies, is increased from a serious misdemeanor to an aggravated
35 misdemeanor.

1 A person commits animal neglect by failing to supply the
2 animal during confinement with a sufficient quantity of food or
3 water; failing to provide a confined dog or cat with adequate
4 shelter; or torturing, depriving of necessary sustenance,
5 mutilating, beating, or killing an animal by any means which
6 causes unjustified pain, distress, or suffering. The law does
7 not apply to a research facility, provided that the research
8 facility performs functions within the scope of accepted
9 practices and disciplines (Code section 162.2).

10 ANIMAL TORTURE. The bill increases the criminal penalty
11 for animal torture from an aggravated misdemeanor to a class
12 "D" felony beginning with the first offense. Currently,
13 a person is subject to a felony only after committing a
14 second or subsequent offense. The bill also eliminates a
15 requirement that a guilty person committing a first offense
16 complete a community work requirement, which may be performed
17 at an animal shelter. The bill does not modify an existing
18 provision requiring a guilty person to undergo psychological
19 evaluation and treatment. It also retains a provision that
20 gives the juvenile court exclusive original jurisdiction in
21 cases involving children, and precludes the juvenile court from
22 waiving jurisdiction in a proceeding concerning an offense
23 alleged to have been committed by a child under the age of 17.

24 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
25 confinement for no more than 30 days or a fine of at least
26 \$65 but not more than \$625 or by both. A serious misdemeanor
27 is punishable by confinement for no more than one year and a
28 fine of at least \$315 but not more than \$1,875. An aggravated
29 misdemeanor is punishable by confinement for no more than two
30 years and a fine of at least \$625 but not more than \$6,250. A
31 class "D" felony is punishable by confinement for no more than
32 five years and a fine of at least \$750 but not more than \$7,500.